IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST JANUARY 2007 / 11 SAKHA 1928

Crl.MC.No. 4109 of 2006()

CMC.1123/2006 of SESSIONS COURT, KOZHIKODE DIVISION
CRIME NO.823/2006 OF KOYILANDY POLICE STATION

.....

PETITIONER: ACCUSED

HAMSA, S/O.ABDUL KHADER,
AGED 52 YEARS, SUMEERA MANZIL,
KANDIYIL, MOODADI AMSOM, MUCHUKUNNU,
KOYILANDY.

BY ADV. SRI.P.R.SREEJITH

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.4109 of 2006

Dated this the 1st day of January 2007

O R D E R

The petitioner is one of the accused and he faces allegations under Sections 323 and 307 read with 34 I.P.C. The specific overt acts alleged against the petitioner is only that he slapped the victim/defacto complainant. It is the co-accused, who allegedly inflicted the injury with a weapon on the victim/ defacto complainant. The petitioner is enlarged on bail, as per order dated 07/12/2006 subject to conditions. He has obliged by the conditions to report before the investigating officer on every Saturday until further orders and as and when directed by the investigating officer. He is restrained from entering Panthalayani Desom until further orders except with the permission of the learned Magistrate. He is prohibited from going outside the Kozhikode district and he was also directed to surrender his passport. Accordingly, the passport has been surrendered. The petitioner now submits that the conditions imposed are onerous. They are not justified by the specific allegations raised against the petitioner. The petitioner has to

proceed to his place of employment abroad, failing which he is likely to lose his employment. In these circumstances, it is prayed that the condition that the passport would remain in the custody of the court until further orders, that the petitioner should not go outside the Kozhikode District and that he must report before the investigating officer on every Saturday may be deleted. Failure to do so would have serious impact on the means of livelihood of the petitioner. The petitioner shall undertake to appear before the court/investigating officer as and when specifically directed.

2. In the circumstances of this case, I am satisfied that the conditions can be modified to facilitate the petitioner proceeding to his place of employment and return to India after collecting his terminal benefits due to him in respect of his employment. In the interests of proper investigation, the conditions imposed can be permitted to remain in force till 31/01/2007.

3. In the result, this petition is allowed in part. Passport of the petitioner shall be returned to him. He shall be permitted to go to his place of employment abroad and the condition that

he should appear before the learned Magistrate on all Saturdays, all stand deleted with effect from 31/01/2007. The petitioner shall execute a bond for Rs.1,00,000/- with two solvent sureties undertaking to appear before the learned Magistrate as and when directed by the learned Magistrate with sufficient notice. He shall also specify the name of the surety to whom intimation should be issued to secure the presence of the petitioner. All conditions shall remain in force till 31/01/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006